



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/070,831	04/30/1998	ASIT DAN	YO998137	4859

29154 7590 02/09/2006

FREDERICK W. GIBB, III
GIBB INTELLECTUAL PROPERTY LAW FIRM, LLC
2568-A RIVA ROAD
SUITE 304
ANNAPOLIS, MD 21401

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/070,831	Applicant(s) DAN ET AL.	
	Examiner Reuben M. Brown	Art Unit 2611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See enclosed, Advisory Action.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

ADVISORY ACTION***Response to Arguments***

1. Applicant's arguments filed 12/23/05 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., as argued on page 7 that, "a Web page is not equivalent to a presentation because a presentation has a beginning and an end, and dynamically changes as the presentation progresses from beginning to end") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues on page 7, 2nd paragraph that "David merely synchronizes and arranges multimedia events", but later in the same paragraph states, "which is contrasted with a method that will generate a presentation from many smaller presentations or segments (David)", emphasis added. Thus applicant appears to agree that David creates a presentation, even though in contradiction, applicant argues that David does not "modify the previously generated presentation". Creating a presentation, as argued by applicant, corresponds with modifying a previously generated presentation.

Examiner asserts that since the claimed "previously generated presentation" is broad enough to read on a web page, the fact that different events may or may not be invoked on the

web page, based on a variety of conditions, reads on the claimed feature, of ‘applying each rule that positively responded to the testing step to the at least one of the previously generated presentation to modify the at least one previously generated presentation’. For instance, the drop threshold condition determines whether a scheduled event is played or not, depending on whether its execution time has exceed its scheduled execution time by more than a specified window of execution, see Abstract; col. 3, lines 34-39; col. 4, lines 1-5 & col. 7, lines 55-59. Specifically, David provides a method of determining which events will be played, (i.e., invoked) based upon certain conditions being met. The invoking of the different events, causes different viewers of the web page to be presented with different information, which reads on modifying the previously generated presentation. Thus the previously generated presentations in David are modified by different events (generally multimedia sequences), which may be displayed at different locations on the web page, see Fig. 8A & 8O.

With respect to the rejection of claims 41, 49 & 55, of Shiels, in view of Montgomery, applicant argues on page 8 and throughout the response that “Shiels does not modify a presentation, but instead selectively requires user intervention in order to allow a user to selectively view different portions of previously generated presentation”. Examiner asserts that since different subscribers will be presented with a different presentation, based on the particular subscriber’s input, Shiels does in fact read on the claimed ‘modifying previously generated presentation’. For instance Shiels discloses that besides being presented with different sections of movies the, system may also modify the image itself, at least by overlaying images on video, see col. 8, lines 45-55. Shiels furthermore discloses that by using the video effects stage 42, various

Art Unit: 2611

images, such as menu bars, and other video effects may be added to the presentation, (col. 5, lines 30-45) which clearly reads on the claimed 'modified previously generated presentation'.

With respect to Montgomery, applicant argues on page 10 that "Montgomery only teaches the exact recreation of the previously generated presentation and does not teach any form of modification of a previously generated presentation". Examiner respectfully disagrees with this argument, and points out that the script in Montgomery tells the client computer *how to execute several sequences of moves* on still images, such as cuts, fades, dissolves, wipes, focuses flying image planes, and other digital video effects, see Para 0014; 0041 & 0045-0046. These moves discussed in Montgomery clearly read on the claimed 'modifying a previously generated presentation'. In Montgomery, once the user provides input to the script, an edit decision list, EDL is created that controls the presentation (i.e., modifying the previously generated presentation) of the audio/video data.

Montgomery also disclose that if a gap is discovered, the system may include stock footage, such as short video clips, which reads on the claimed 'expanding' and 'automatically combining'. Applicant also argues on page 11 that in Montgomery, "the previously generated presentation will be faithfully reproduced". Again examiner respectfully disagrees with this position, since (as previously discussed) Montgomery clearly teaches that using the ED, that a range of video modifying special effects may be invoked, such as cuts, wipes, dissolves, etc. In view of the above discussion, examiner maintains the final rejection, mailed 11/2/05.

Art Unit: 2611

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


**CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**